

NAVAIRENGSTAINST 12335.1B  
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26 JAN 1998

**NAVAIRENGSTA INSTRUCTION 12335.1B**

From: Commanding Officer, Naval Air Engineering Station

Subj: MERIT STAFFING PROGRAM

Ref: (a) 5 CFR 335

Encl: (1) [Merit Staffing Procedures](#)

1. Purpose. To establish policy and procedures to be used in promotion and internal placement of applicants in accordance with reference (a).

2. Cancellation. NAECINST 12335.1A

3. Scope. All Naval Air Systems Team (NAST) civilian positions in the competitive service and positions which are temporarily in the excepted service (Veterans Readjustment Appointments (VRAs), employees with disabilities, etc.) located at, or organizationally assigned, to the Naval Air Engineering Station (NAES), Lakehurst, and all tenants serviced by the Human Resources Office (HRO). Excepted are senior executive service positions and GS-16 and above. Provisions of negotiated agreements supplement this instruction, for employees covered by the agreement.

4. Action. Merit Staffing is but one means of filling a vacancy. Managers may elect to fill positions via Merit Staffing or other recruitment alternatives as outlined in this instruction. The HRO will assist managers, supervisors, and employees in following the procedures of enclosure (1).

5. Review. The Lakehurst Human Resources Officer will review this instruction annually and revise as necessary ensuring fulfillment of bargaining obligations.

M. J. DOUGHERTY

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**MERIT STAFFING PROCEDURES**

1. Merit Staffing Policy

a. The Merit Staffing Program provides a method to meet staffing needs in a timely fashion, ensuring that employees receive fair and appropriate consideration for advancement and developmental opportunities, and affording management the flexibility to staff positions from many sources as long as merit requirements are met. Merit staffing is but one means of filling a vacancy and management, within applicable laws and Government-wide regulations, has the right to determine the method by which vacant or newly established positions will be filled. Management may also cancel a position even if action has been initiated to fill the position.

b. Other means may be used concurrently with, or to the exclusion of, the Merit Staffing process. Those methods include repromotion, change to lower grade, reassignment, transfer, reinstatement, original appointment from an Office of Personnel Management (OPM) register of eligible candidates or use of various excepted appointing authorities. All actions are subject to the provisions of the Department of Defense's (DoD) stability of civilian employment program.

c. Selections and all actions leading to selections will be made in accordance with merit principles and Equal Employment Opportunity (EEO) principles and shall be based on job related reasons.

d. The provisions contained in this instruction will remain in effect until revised or superceded by agency-wide automated procedures for staffing positions. Such automated procedures will be implemented when directed by the Department of the Navy (DoN).

2. Definitions

a. Accretion of Duties. Promotion of an employee resulting from the employee's position being classified at a higher grade because of additional duties and responsibilities.

b. Activity. For purposes of this instruction, activity means the elements of the Naval Air Systems Team (NAST) located at, or organizationally assigned to, the Naval Air Engineering Station, Lakehurst.

c. Advisory Selection Panel. A group of persons knowledgeable about the position, appointed by the selecting official or his/her designee whose duties are to review applications and interview certified candidates for a vacant position, and make recommendations to the selecting official. Panel members will be at or above the Full Performance Level (FPL) of the position being filled. One

member will be designated to serve as the EEO representative. Exceptions to the provisions stated will be subject to approval of the Lakehurst Human Resources Officer.

d. Affirmative employment. Specific efforts designed to correct the effects of past discrimination and to achieve the goal of a workforce that represents our nation's diverse population.

e. Affirmative Employment Plan. A plan outlining specific objectives which will facilitate correction of the effects of past discrimination and achieve the goal of a workforce that represents our nation's diverse population.

f. Appointable. Career or career-conditional employees, temporary/term employees with reinstatement eligibility, temporary/term employees with Veteran's Readjustment Appointment (VRA) eligibility (if GS/WG-11 or below) and employees serving under VRA.

g. Areas of Consideration. The area of consideration is a geographic and/or organizational area in which it is expected that sufficient numbers of high quality candidates may be located.

h. Best Qualified. Competitively evaluated candidates who rank higher than other competitively evaluated applicants and who also are certified to the selecting official.

i. Career Ladders. A career ladder is a recognized progression within a major occupational group. The purpose of career ladders is to clarify for employees and managers the normal progression that may occur within major occupational groups within a particular competency or throughout the activity. The existence of a career ladder does not guarantee that such progression will occur. Promotions up to the Full Performance Level (FPL) of the career ladder will be based on management's determination that the employee can successfully perform at the next higher grade level. Managers may consider the use of a developmental plan to outline the duties/accomplishments required for advancement to the next level. The entry grade level into the occupational group may vary depending upon the qualifications of available applicants, organizational needs for varying levels of performance, and duties to be assigned.

j. Change to Lower Grade. A personnel action that moves an employee to a position at a lower grade when both the old and new positions are under the general schedule, or under the same wage grade schedule or an action that moves an employee to a position with a lower representative rate when both the old and the new positions are under different wage schedules, or in different pay categories.

k. Commuting Area. The geographic area in which a person can reasonably be expected to travel to and from work on a daily basis.

l. Competency. A competency is a major organizational element of the NAST consisting of the people, processes, and facilities dedicated to particular technical or business discipline(s).

m. Concurrent Consideration. The consideration of qualified eligible candidates from sources outside the merit staffing process.

n. Crediting Plan. A written plan for evaluation of candidates' Knowledge, Skills, and Abilities (KSAs).

o. Detail. The temporary assignment of an employee to a different position for a specified period with the employee returning to his/her regular duties at the end of the detail. While detailed, an employee still officially occupies his/her permanent position of record.

p. Eligible/Qualified Candidates. Those applicants who meet the minimum qualifications requirements including any selective placement factors or screen-out elements for the position to be filled, and all legal and regulatory requirements.

q. Equal Employment Opportunity. The right of all people to apply for and be considered for job opportunities without regard to non-merit factors (i.e., race, national origin, color, religion, age, sex, mental or physical disability, or reprisal for participating in the EEO process).

r. Evaluation Factors. Specific KSAs identified through job/task analysis, which a person should possess in order to successfully perform the duties of the position to be filled. They are used to distinguish the best qualified candidates through the rating process.

s. Full Performance Level. The grade which depicts an independent level of operation for a particular occupation. Factors that are considered in determining the full performance level are the nature of the organization, the work performed, and the way work is structured.

t. Non-competitive candidates. Those whom the activity has the authority to select without evaluation and competition.

u. Promotion. The change of an employee to a position at a higher grade level within the same classification system and pay schedule or to a position with a higher representative rate in a different job classification system and pay schedule.

v. Ranking of Candidates. The process of arranging eligible candidates relative to each other in accordance with their numerical ratings.

w. Rating Panel. A panel appointed by selecting officials to evaluate, rate and rank eligible candidates, determine the best qualified and document the process. Panel members will be at or above the FPL of the position to be filled. One member will be designated to serve as the EEO representative. Exceptions to the provisions stated will be subject to the approval of the Lakehurst Human Resources Officer.

x. Reassignment. The change of an employee from one position to another without promotion or change to lower grade through an official personnel action.

y. Reinstatement. Reemployment in the competitive service based on an appointee's previous service under a career or career-conditional appointment.

z. Relative. Father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

aa. Representative Rate. A rate used to determine the nature of the job change (promotion, change to lower grade, or reassignment) where different kinds of pay schedules are involved, (e.g., WG to GS). The representative rate is the established rate on a single rate

schedule (i.e., the second step of a five-rate regular wage schedule) in the local area to which employee is being changed and the fourth step on the ten-step base pay general schedule rate (before locality pay).

bb. Screen-out Element. A critical, overall element for which federal wage system applicants must attain a prescribed rating to be basically eligible.

cc. Selection Certificate. The alphabetical listing of best qualified applicants which is referred to the selecting official.

dd. Selective Placement factors. KSAs which are required to establish basic eligibility for a position.

ee. Selecting Official. The individual authorized to make a selection for the position being filled. No individual may serve as a rating panel member and selecting official for the same vacancy.

ff. Subject Matter Expert. A person who is knowledgeable about the duties and responsibilities of the position being filled.

gg. Summary Ranking Factor. KSAs which include all of the essential requirements of a position combined, e.g., "ability to do the work of the position with normal supervision".

3. Coverage. Competitive procedures must be applied to:

a. Promotions (unless covered by an exception in paragraph 4. below).

b. Reassignment or change to lower grade to a position with more promotion potential than the employee's current position or any position permanently held in the past.

c. Temporary promotions exceeding 120 days (unless to a grade equal or less than a grade previously held on a permanent basis). Prior service under all temporary promotions and details to a higher graded position during the previous 12 months counts towards this limitation.

d. Details of more than 120 days to a higher graded position or a position with known promotion potential.

e. Reinstatement to a position at a higher grade or with higher promotion potential than any position previously held on a permanent basis.

f. Selections for formal training programs leading to a promotion, such as upward mobility.

4. Exceptions. A promotion may be made as an exception to competitive procedures in the following situations:

a. The promotion of an employee whose position is classified to a higher grade level due to accretion of duties. Promotions under this exception must meet the following criteria:

(1) The major duties of the employee's old position are absorbed into the new position and the former is canceled;

(2) The new higher graded duties are directly related to the primary purpose of the old position;

(3) The new position has no known promotion potential; and,

(4) The additional duties do not adversely affect another encumbered position.

b. Promotions resulting from the application of a new classification standard or correction of a classification error.

c. Promotions where the employee was originally selected under competitive procedures and it was made known to all applicants at the time of competition that the initial selection could lead to further promotion. This includes the initial conversion and subsequent promotion of students in cooperative education programs, and career ladder promotions.

d. Temporary promotions of not more than 120 days.

e. Details of not more than 120 days to higher graded positions.

f. The reinstatement, transfer, or promotion of an employee up to the highest grade previously held on a permanent basis under career or career-conditional appointment, provided the employee was not demoted or separated from that grade because of deficiencies in performance or conduct.

g. The reinstatement, reassignment, promotion or change to lower grade (including transfers) to a position having promotion potential no higher than the promotion potential of a position previously held on a permanent basis in the competitive service (except when removed therefrom for performance or misconduct).

h. The selection of an employee who did not receive proper consideration in a prior promotion case due to a procedural, regulatory or program violation.

i. A position change permitted by reduction-in-force regulations.



j. Permanent promotion to a position held under temporary promotion when originally made under competitive procedures and the possibility of permanent action was identified in the vacancy announcement, listing or recruiting bulletin.

k. Movement between federal wage system and general schedule or vice versa when the position to which the employee is being assigned has the same or lower representative rate as his/her current position. A "promotion" under this paragraph is a technical promotion only and results because of paysetting policies.

#### 5. Temporary promotions

a. Temporary promotions may be used in situations requiring the temporary service of an employee in a higher graded position for more than 30 days. Temporary promotions for periods of less than 30 days will not be made. Temporary promotions mainly for the purpose of training or evaluating an employee in a higher graded position are prohibited.

b. Temporary promotion actions may be made non-competitively if the same action could be taken non-competitively on a permanent basis.

c. The duration of a competitive temporary promotion initially may not exceed a specified period of up to five years. If the situation warrants, extensions are permitted only with prior OPM authorization. If the initial length of the temporary promotion is less than five years, it may be extended up to five years without further competition.

d. A temporary promotion will automatically terminate on the specified date unless it is extended. However, management may terminate a temporary promotion at any time prior to the not to exceed date.

#### 6. Prior Consideration

a. Before taking action to fill a vacancy, certain employees must be offered prior consideration. Paragraphs a(1), a(2) and a(3) below require consideration only, not selection. Paragraph a(4) contains mandatory placement provisions for individuals in certain situations, and will be used when required.

(1) Employees under grade or pay retention with the same duty station as the vacancy. Such consideration does not extend to employees who accept a change to lower grade to enter formal developmental positions or to those who accept change to lower grade as a result of solicitation for a hard to fill position.

(2) Employees who did not receive proper consideration for promotion in a prior case due to procedural, regulatory or program violation.

(3) Employees who are receiving compensation from the Office of Worker's Compensation Program and who are medically qualified to work.

(4) Priority Placement Program (PPP) registrants, as appropriate.

7. Procedures for Filling Competitive Vacancies

a. Vacancies which may be filled subject to the competitive procedures of this instruction will be publicized through the use of vacancy listings or individual announcements. The closing date will be specified in the announcements. Announcements will remain open for a minimum of 7 calendar days. The announcement will include any terms and conditions associated with the position. Applications must be received or postmarked by the closing date of the announcement.

b. Open continuous registers may be maintained for those occupations and levels for which there is a recurring need for candidates. Vacancy announcements for the purpose of establishing such registers will clearly specify the purpose and timeframes.

c. Candidates eligible for non-competitive selection or competitive appointment from OPM registers or direct hire authorities may be referred concurrently with promotion candidates or at any point in the merit staffing process.

d. For difficult to fill positions, other methods such as paid advertisement in newspapers and other sources may be used to supplement the issuance of a vacancy announcement where it is believed that such action may produce high quality candidates. The recruiting competency will pay for the advertisement(s).

e. The area of consideration, within budgetary constraints and cost effectiveness, must be sufficiently broad to ensure the availability of high quality candidates, to meet organizational objectives, and to provide for successful accomplishment of Affirmative Employment Plan objectives. The area of consideration may be described geographically and/or organizationally. The minimum area of consideration will be a Level 2 competency at a geographic location.

f. Regardless of the stated area of consideration, activities must accept applications from spouses of relocating active duty military members and DoD civilian employees from the 30 days preceding through six months following their sponsors' relocation to the activity's commuting area.

g. The area of consideration may be extended when the initial area has not produced a sufficient number of high quality candidates and/or the selecting official does not choose to make a selection from those available. This will be accomplished by reannouncing or amending the original announcement.

h. Vacancy announcements with an area of consideration extending beyond the Lakehurst commuting area will include a statement indicating whether or not Permanent Change of Station (PCS) expenses will be paid.

8. How to apply:

a. The vacancy announcement will specify the application procedures.

b. Employees on official leave, travel or absent because of compensable injury may file a late application for vacancies advertised while he/she was absent provided a certificate has not been issued. An extension will be granted only for the number of days for which the employee's leave/travel/absence overlapped with the open

period of the announcement. The complete application must be submitted by the candidate prior to issuance of the selection certificate.

c. Persons serving under Schedule A appointments based on disability are not eligible for consideration under the competitive staffing process. However, appointable candidates who apply and are qualified will be referred separately to the selecting official for consideration. If selected, the position would become excepted for the duration of the incumbency period or until conversion of the employee to a career or career-conditional appointment.

d. The following constitutes the basis for non-consideration of an application:

(1) It is from a non-status candidate.

(2) It is outside the area of consideration.

(3) There is not enough information upon which to make a qualifications determination.

(4) It is filed untimely. Applications must be received or postmarked on or before the closing date specified in the announcement.

(5) The applicant does not indicate availability for the conditions specified in the announcement.

#### 9. Determining Basic Eligibility

a. Applicants must meet minimum qualification requirements prescribed by OPM as of the closing date of the announcement. Applicants for open continuous registers must meet the requirements at the time applications are submitted.

b. Selective placement factors may be used when they are essential for satisfactory performance in the position to be filled and represent an addition to the basic qualifications standard for a position. As such, they constitute a part of the minimum qualification requirements. The selective placement factor required for any single position will be listed in the vacancy announcement.

c. A selecting official may request selective factor certification when requesting eligible candidates from a broad-based, open continuous announcement used for filling a variety of positions, or when the duties of a position require particular qualifications not required for other positions with a similar title. The requirements must be job-related and reflected in the official position description.

d. Any additional regulatory requirements specified in the vacancy announcement (such as drug testing, security requirements, physical requirements, etc.) must be met before selection is finalized.

e. Candidates eligible for non-competitive selection will be referred separately from competitive candidates. They may be referred at any point in the process. Candidates eligible for non-competitive selection will not be rated and ranked.

#### 10. Evaluation of Competitive Candidates

a. The evaluation method to be used will be determined by the selecting official. Applicants to be competitively evaluated will be rated by either a Human Resource Advisor, a subject matter expert appointed by the selecting official, or a rating panel. In addition, separate procedures may be used for evaluation when there are ten or fewer eligible candidates for a position.

b. When there are ten or fewer eligible candidates for a position, they will be screened for basic qualifications, including any selective factors. Qualified candidates will then be rated to distinguish best qualified candidates from those who only meet minimum qualification requirements. For this purpose, a summary ranking factor may be used to determine the best qualified candidates. To be considered best qualified a candidate must score at least 3 on a 4 point scale or 3.5 on a 5 point scale. Selections must be made only from the best qualified group. If there are no best qualified candidates and further expansion of the area of consideration is impractical, the selecting official may then consider candidates in the qualified group.

c. When there are more than ten eligible candidates for a position, they will be evaluated and rated based on the KSAs identified in the announcement.

d. Evaluation methods used in the merit staffing process must be based on a job analysis to identify the KSAs that are important for successful performance in the position.

e. Information concerning the degree to which applicants possess the KSAs required on the job is obtained from the following sources:

(1) Evaluation will be made of the type and quality of experience the candidate has in relation to the requirements of the position being filled.

(2) Training, self-development and outside activities will be considered when they would increase the employee's potential for effective performance in the position being filled.

(3) Qualifications demonstrated or implied by the candidate's awards will be assessed in terms of their bearing on the requirements of the job being filled.

(4) If applicable, demonstrated support of EEO programs will be considered.

(5) Annual performance appraisals will be used to the extent that the information is pertinent to the KSAs specified in the vacancy announcement.

#### 11. Certification Procedures

a. Certification of competitively evaluated candidates will be restricted to those rated best qualified.

(1) When there are ten or fewer eligible candidates, all candidates identified as best qualified in accordance with paragraph 10(b) will be certified.

(2) When there are more than ten eligible candidates, up to ten candidates (plus ties) will be certified, provided they have an average score of 3.5 on each KSA on a 5 point scale. If a 4 point scale is used, candidates must have an average score of 3.0 on each KSA.

b. When a DoD military spouse preference eligible who has been referred from the PPP, is identified by the competitive evaluation process as among the "best qualified", certification will be restricted to the military spouse(s) and to non-competitive eligibles as permitted by the PPP.

c. Certified candidates will be referred in alphabetical order. Selecting officials will be given all available pertinent information on certified candidates.

d. Certificates established under previous announcements may be used for subsequent, essentially identical, vacancies within 180 days of the original date of the certification.

## 12. Selection Procedures

a. The selecting official will be entitled to select or non-select any certified candidate. Each candidate must be given full consideration and selection must be based on who will best fill management's needs in terms of the goals of the organization including affirmative employment and equal opportunity.

b. Selecting officials may elect to interview all or none of the competitive candidates certified. When interviews are conducted, the selecting official or his/her designated representative shall ensure all interview questions are job related. Advisory selection panels may be used to conduct interviews at the discretion of the selecting official.

c. Nepotism. The supervisor and other officials are prohibited from participating in the rating, ranking, or selection process if a relative is under consideration, and they may not advocate the selection of a relative.

(1) Advocating would include referring an application of a relative for consideration for employment or promotion.

(2) If a panel is used, all members of the panel are considered to be "officials" regardless of whether they occupy a supervisory position.

(3) When a relative is under consideration, a selecting official must disqualify himself/herself and the selection must be exercised at the next higher level in the chain of command.

d. When selection is completed, the selecting official will sign and forward the certificate to HRO. The selecting official may return a certificate without making a selection and may request reopening of the announcement, expansion of the area of consideration, recruitment from other sources or cancellation of the action.

e. Actual selection is a management decision made in accordance with this procedure. While selecting officials are encouraged to provide feedback when requested, they are not required to justify their selections.

13. Notification to Applicants

a. Candidates who are rated ineligible will be notified by HRO.

b. The selected and non-selected individuals will be notified by the HRO as soon as possible after the selection is made.

14. Release of Employees

a. Selectees for promotion or other competitive action leading to a higher FPL will be released within one pay period following the date release is requested.

b. Selectees for non-competitive actions will normally be released within one pay period following the date release is requested. With the exception of non-competitive promotions to a higher grade previously held, this time may be extended by mutual agreement of the releasing official and selecting official, or a common superior.

c. Candidates selected for reassignment or change to lower grade to another activity or agency will be released within 30 days unless there is mutual agreement between the two activities.

d. Overseas employees are to be released within 45 days.

15. Disclosure of Merit Staffing Program Information

a. Maximum information in connection with merit staffing which will neither compromise the evaluation process nor invade the privacy of others and will be made available to employees. Merit staffing case files contain private information on all applicants. All officials handling these files must ensure the proper safeguarding of such information to protect the privacy of each applicant.

b. While a staffing action is in progress, responses will be provided only to questions relating to staffing policy and/or clarification of information in the announcement (i.e., content of announcement, qualifications, etc.). No information will be provided to applicants on matters such as individual rating/ranking, number of candidates, standing in relation to others, the crediting plan, etc.

c. Consistent with the provisions of the Privacy Act, candidates are entitled to certain information after a staffing action is completed. It is suggested that the candidate meet with the Human Resources Advisor who handled the action. Any written comments made for the record, either general in nature or concerning



the individual in question, may be made available. Information which candidates are entitled to include:

- (1) Whether or not they were found qualified.
  - (2) Whether or not they were in the group from which selection was made.
  - (3) Who was selected.
  - (4) In what areas, if any, they can improve to increase their chances for future selection (if not certified for selection).
  - (5) The evaluation factors used, the points assigned for each factor, and the procedures used in arriving at the final scores and certification of the best qualified.
  - (6) Their own rating/scores on the evaluation factors. If summary sheets are shown to the candidate, other candidates and panel members names must be deleted.
- d. Crediting plans will not be released as their release could result in an unfair advantage for some applicants.

16. Employee Complaints.

a. Questions about the operation of the merit staffing program, or a specific promotion, should initially be addressed to the appropriate Human Resources Advisor. Employee complaints which cannot be resolved at this level may be processed under the administrative grievance procedure, negotiated grievance procedure, or discrimination complaint procedure, as appropriate. Failure to be selected from among a group of certified candidates is not a basis for grievance.

17. Records

a. HRO will ensure that complete records, sufficient to reconstruct promotion actions, are maintained. These records will be retained for two years or until an OPM evaluation is performed (whichever comes first). This is provided that the time limit for grievances has elapsed or, if one is in process, 60 days after the finalization of the grievance. Cases involving discrimination complaints must be retained for two years after final disposition by the DoN.